

COPY OF PART
ORIGINALLY FILED

Practitioner's Docket No. 51344

PATENT

DACB #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Seita et al.

Application No.: 10/034,775

Group No.

Filed: December 27, 2001

Examiner:

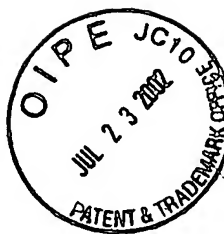
For: COMPOSITE MATERIAL WITH IMPROVED BINDING STRENGTH AND
METHOD FOR FORMING THE SAME

☐ Patent No.:

Issue date:

*NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents
Washington, D.C. 20231



PETITION TO CORRECT CORRESPONDENCE FILING DATE
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
ON EXPRESS MAIL LABEL
(37 C.F.R. § 1.10(d))

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JUL 31 2002

OFFICE OF PETITIONS

NOTE: See § 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified

☒ application

☐ patent

a filing date of 12/27/01 (Date), which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

2. Submitted herewith is the statement of Deanna M. Rivernider as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(d)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. ET755553881US and that the number of the Express Mail was placed thereon prior to the original mailing. 37 C.F.R. § 1.10(d)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Date: 07/16/02

Deanna M. Rivernider
Signature

Deanna M. Rivernider
(type or print name of person certifying)

(Petition to Accord Correspondence Filing Date For "Date-in" Incorrectly Entered or Omitted on Express Mail Label—[8-14]—page 1 of 3)

07/25/2002 CNGUYEN 00000057 10034775

01 FC:122 130.00 OP

Adjustment date: 08/29/2002 AKELLEY
07/25/2002 CNGUYEN 00000057 10034775
01 FC:122 -130.00 OP

Repln. Ref: 08/29/2002 AKELLEY 0013344300
DAB:041105 Name/Number:10034775
FC: 704 \$130.00 CR

4. Correction is required because:

- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the envelope delivered to the P.T.O., but the correct date was entered on Express Mail label.
- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label and on the envelope delivered to the P.T.O.
- ☒ Deposit of correspondence at an Express Mail drop box and wrong date entered by U.S.P.S. *
- ☐ Other:

***Copy of the Customer Receipt of the Express Mail Label was not received from the U.S.P.S.**

5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

NOTE: Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. A notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

The reason the PTO considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:

- (1) created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or*
- (2) created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail").*

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

☐ Evidence from the U.S.P.S. as follows:

☒ Express Mail Log that Came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Address " service of the U.S.P.S.

☐ Other:

6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00

☒ Authorization is hereby made to charge the amount of \$ _____

☒ to Deposit Account No. 04-1105

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 33,860

Tel. No.: (617) 523-3400

Customer No.:



SIGNATURE OF PRACTITIONER

Peter F. Corless

(type or print name of practitioner)

Edwards & Angell, LLP

Dike, Bronstein, Roberts & Cushman, IP Group

P.O. Address

P.O. Box 9169

Boston, MA 02209

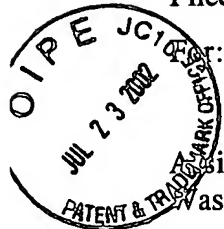
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Seita et al.

Serial No.: 10/034,775

Filed: December 27, 2001

COMPOSITE MATERIAL WITH IMPROVED BINDING STRENGTH
AND METHOD FOR FORMING THE SAME



Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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OFFICE OF PETITIONS

DECLARATION

1. I, Deanna M. Rivernider, declare that I am an Assistant to Attorney S. Matthew Cairns of Shipley Company, L.L.C. and Peter F. Corless of Edwards & Angell, LLP at the Marlborough, Massachusetts office.

2. On July 8, 2002, while preparing documents for responding to the Notice to File Missing Parts, I noticed a discrepancy between the filing date indicated on the United States Patent Office Filing Receipt and the application documents as filed.

3. I believe this petition is being filed promptly thereafter.

4. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Deanna M. Rivernider, Assistant to:
S. Matthew Cairns (Reg. No. 42,378) and
Peter F. Corless (Reg. No. 33,860)
Edwards & Angell, LLP
Dike, Bronstein, Roberts & Cushman, IP Group
P.O. Box 9169
Boston, MA 02209
(617) 523-6440

**EXPRESS MAIL LOGBOOK
2001**

**Marlboro Post Office
20 Florence Street
Marlborough Massachusetts**

**Hours: Monday – Friday (Last pick-up 5:30 p.m.)
 Saturday (Last pick up 3:15 p.m.)**

December 2001

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/27/01	5:10 p.m.	Marlboro	5:30 p.m.	51344
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553881US	12/27/01	5:25 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/27/01	5:10 p.m.	Marlboro	5:30 p.m.	50872-PCT
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553833US	12/27/01	5:20 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/27/01	5:10 p.m.	Marlboro	5:30 p.m.	50824-PCT
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553847US	12/27/01	5:20 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/27/01	5:10 p.m.	Marlboro	5:30 p.m.	50681
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553855	12/27/01	5:20 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/28/01	5:00 p.m.	Marlboro	5:30 p.m.	51139-P
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553820US	12/28/01	5:10 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/31/01	5:20 p.m.	Marlboro	5:30 p.m.	51130-P
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553816US	12/31/01	5:30 p.m.		DMR

Date	Time of Deposit	Post Office	Last Pick-Up Time	Docket No.
12/31/01	5:20 p.m.	Marlboro	5:30 p.m.	50752-P
Express Mail Label No.	Date and Time of entry into Mail Log Book			Initials of Depositor
ET755553802US	12/31/01	5:30 p.m.		DMR

Return Postcard - Non-Provisional Application

Mailing Date **December 27, 2001** Attorney/Sec **SMC/PFC/dmr**
 Client **Shipley (70329)** Docket No **51344**
☒ Utility ☐ Design ☐ Provisional

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of
 APPLICANT(S) **Masaru SEITA, Hideki TSUCHIDA, Masaaki IMANARI,**
Masaru KUSAKA, Koichi YOMOGIDA, Hidemi NAWAFUNE,
Syozo MIZUMORO and Shingo IKEDA
 TITLE **COMPOSITE MATERIAL WITH IMPROVED BINDING STRENGTH**
AND METHOD FOR FORMING THE SAME
 No. of Pages: Spec. **25** Claims **2** Abstract **1**
 Drawings **2** sheets ☐ formal ☐ informal
 Transmittal Papers **10** pages ☐ Preliminary Amendment
☒ Declaration ☐ executed ☐ unexecuted ☐ Copy ☒ Will Follow
☐ Small Entity Form ☐ Copy ☐ Will Follow ☐ Certified Copy
☒ Assignment ☐ Copy ☒ Will Follow ☐ Cover Sheet
☐ Information Disclosure Statement ☐ PTO-1449 Form ☐ Refs
 Other _____
 \$ **1,020.00** fee Check ☒ is ☐ is not enclosed
 Due Date **12/27/01** Express Mail Label No **ET755553881US**

PTO
10/03/02
10/03/02

This return postcard is your unofficial filing receipt. Please check to ensure it received the correct date stamp from the PTO and that it has been assigned a serial number. Below are the dates that have been docketed for this application.

ACTION

DUE DATE DOCKETED

Information Disclosure Statement

3/27/02

Filing Receipt Received?

6/27/02

Con 8 Letter

8/27/02

Con 11 Letter

11/27/02

File Foreign Applications

12/12/02 - 12/27/02

First Office Action Received?

12/27/02

Notice to File Missing Parts Rec'd?

2/27/02

Certified Copy Due

N/A

Docketed By: KRD

Atty/Sec Approval: _____

Practitioner's Docket No. 51344

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

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NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Masaru SETTA, Hideki TSUCHIDA, Masaaki IMANARI, Masaru KUSAKA,
Koichi YOMOGIDA, Hidemi NAWAFUNE, Syozo MIZUMORO, Shingo IKEDA

WARNING: 37 CFR 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): COMPOSITE MATERIAL WITH IMPROVED BINDING STRENGTH AND
METHOD FOR FORMING THE SAME

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date December 27, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number ET755553881US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Deanna M. Rivernider

(type or print name of person mailing paper)

Deanna M. Rivernider
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Express Mail Label No. ET75553881US
Docket No. 51344

U.S. PATENT APPLICATION

Title: COMPOSITE MATERIAL WITH IMPROVED BINDING STRENGTH
AND METHOD FOR FORMING THE SAME

Inventors: Masaru SEITA
Hideki TSUCHIDA
Masaaki IMANARI
Masaru KUSAKA
Koichi YOMOGIDA
Hidemi NAWAFUNE
Syozo MIZUMORO
Shingo IKEDA

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JUL 3 1 2002

OFFICE OF PETITIONS

Attorney: S. Matthew Cairns (Reg. No. 42,378)
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